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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,444	02/11/2005	Teruhiko Mochizuki	450100-04730	4577

7590 11/12/2008  
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EXAMINER
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HEYI, HENOK G

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,444	<b>Applicant(s)</b> MOCHIZUKI ET AL.	
	<b>Examiner</b> HENOK G. HEYI	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 08/08/2008 have been fully considered but they are not persuasive. Applicant argues that Hirofumi does not teach storage means for reading, from the information recording medium, a first table which provides a space corresponding to each of all unit recording areas of the information recording medium and storing the first table on the storage means as claimed in claim 8. However, Hirofumi clearly teaches on para [0020] that recorded management data and digital coding compression data are read from a nonvolatile memory card in which both management data including area information which records said digital coding compression data was recorded.
2. Even though applicant amended claim 14, applicant still is claiming a program which is a non statutory subject matter. Therefore, the 101 rejection is still applicable.

### ***Claim Rejections - 35 USC § 101***

Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 is drawn to a "program" *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP §2106.1V.B.1 .a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g. Warmerdam, 33 F.3d at 1361,31 USPQ2d at 1760 (claim to a data structure

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*per se* held non-statutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirofumi JP 2000-276851 (Hirofumi hereinafter).

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Re claim 8, Hirofumi teaches a playback apparatus for playing back a data file recorded in a distributed manner on an information recording medium (digital data playback equipment, para [0001] of detailed description), said playback apparatus comprising: specification means for specifying a data file to be played back (reproduction mode is inputted with said operation switch 29 and the file name of desired digital coding compression data is specified, In advance of reading of the data of a designated file name, para [0029]); storage means for reading and storing a first table recorded on said information recording medium (non volatile semiconductor memory divides data storage area, para [0004]); generation means for generating, based on said first table recorded by said storage means, a second table in which unit recording area addresses of said information recording medium (the list generation processing means of said microprocessor, para [0029]), which are used to record said data file specified by said specification means, are recorded in the forward direction (fast forwarding reproduction is possible to a forward direction, para [0001]); holding means for holding said second table generated by said generation means (it is shown that the cluster number 2 to data is recorded from a FAT entry, para [0027]); reading means for reading said data file from said information recording medium in accordance with said specified unit recording area addresses every time at normal playback time, fast forward playback time, and fast backward playback time (a FAT entry is read, and it loads to said RAM11. Next, the cluster number indicated for the FAT entry of the directory entry is read at Step \$2, it is set as the top cluster number of a forward direction list, and said top cluster number is set as the end cluster number of an opposite direction list at Step \$3, para [0037]); and

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indication means for indicating, to said reading means, said unit recording area addresses to be read by referring to said second table held by said holding means (the following record cluster is shown is indicated and it is shown in a figure, It is indicated to the FAT data 3 at the top cluster 2, and is indicated like in the FAT data 100 etc. to the cluster 3 at the FAT data 4 and the cluster 4, This file data is completed to the cluster 6, and the numerals of FFFh are indicated to it as FAT data in which a cluster is shown, and data can distinguish what is recorded, para [0027]).

Re claim 9, Hirofumi teaches the playback apparatus according to Claim 8, wherein, during normal playback, said indication means reads said unit recording area addresses, which are recorded in said second table, one-by-one in the forward direction, and indicates the unit recording area addresses to said reading means (the FAT data of the top cluster number of said forward direction is read by step \$4. In Step \$5, the FAT data read by said step \$4 shows an end cluster, and the numerals FFFh distinguish, para [0037]).

Re claim 10, Hirofumi teaches the playback apparatus according to Claim 8, wherein, during fast forward playback, said indication means reads said unit recording area addresses recorded in said second table every predetermined number of the unit recording area addresses in the forward direction, and indicates the unit recording area addresses to said reading means (at the time of fast forwarding reproduction. The cluster number of a skip place is searched according to a forward direction list, para [0041]).

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Re claim 11, Hirofumi teaches the playback apparatus according to Claim 8, wherein, during fast backward playback, said indication means reads said unit recording area addresses recorded in said second table every predetermined number of the unit recording area addresses in the reverse direction, and indicates the unit recording area addresses to said reading means (at the time of review reproduction, the cluster number of a skip place is searched according to an opposite direction list, and the record data of the cluster of a skip place becomes refreshable in an instant, Para [0041]).

Re claim 12, Hirofumi teaches a playback method for use with a playback apparatus for playing back a data file recorded in a distributed manner on an information recording medium (digital data playback equipment, para [0001] of detailed description), said playback method comprising: a specification step of specifying a data file to be played back (reproduction mode is inputted with said operation switch 29 and the file name of desired digital coding compression data is specified, In advance of reading of the data of a designated file name, para [0029]); a storage step of reading and storing a first table recorded on said information recording medium (non volatile semiconductor memory divides data storage area, para [0004]); a generation step of generating, based on said first table recorded in said storage step, a second table in which unit recording area addresses of said information recording medium (the list generation processing means of said microprocessor, para [0029]), which are used to record said data file specified in said specification step, are recorded in the forward direction (fast forwarding reproduction is possible to a forward direction, para [0001]); a holding step of holding said second table generated in said generation step (it is shown that the cluster number



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2 to data is recorded from a FAT entry, para [0027]); a reading step of reading said data file from said information recording medium in accordance with said specified unit recording area addresses every time at normal playback time, fast forward playback time, and fast backward playback time (a FAT entry is read, and it loads to said RAM11. Next, the cluster number indicated for the FAT entry of the directory entry is read at Step \$2, it is set as the top cluster number of a forward direction list, and said top cluster number is set as the end cluster number of an opposite direction list at Step \$3, para [0037]); and an indication step of indicating, to said reading step, said unit recording area addresses to be read by referring to said second table held in said holding step (the following record cluster is shown is indicated and it is shown in a figure, It is indicated to the FAT data 3 at the top cluster 2, and is indicated like in the FAT data 100 etc. to the cluster 3 at the FAT data 4 and the cluster 4, This file data is completed to the cluster 6, and the numerals of FFFh are indicated to it as FAT data in which a cluster is shown, and data can distinguish what is recorded, para [0027]).

Re claim 13 and 14, Hirofumi teaches a recording medium (digital data playback equipment, para [0001] of detailed description) having recorded thereon a computer-readable program for use with a playback apparatus for playing back a data file recorded in a distributed manner on an information recording medium, said program comprising: a storage step of reading and storing a first table stored on said information recording medium (non volatile semiconductor memory divides data storage area, para [0004]); a generation step of generating, based on said first table recorded in said storage step, a second table in which unit recording area addresses of said information

recording medium (the list generation processing means of said microprocessor, para [0029]), which are used to record said specified data file, are recorded in the forward direction (fast forwarding reproduction is possible to a forward direction, para [0001]); a holding step of holding said second table generated in said generation step (it is shown that the cluster number 2 to data is recorded from a FAT entry, para [0027]); a reading step of reading said data file from said information recording medium in accordance with said specified unit recording area addresses every time at normal playback time, fast forward playback time, and fast backward playback time (a FAT entry is read, and it loads to said RAM11. Next, the cluster number indicated for the FAT entry of the directory entry is read at Step \$2, it is set as the top cluster number of a forward direction list, and said top cluster number is set as the end cluster number of an opposite direction list at Step \$3, para [0037]); and an indication step of indicating, to said reading step, said unit recording area addresses to be read by referring to said second table held in said holding step (the following record cluster is shown is indicated and it is shown in a figure, It is indicated to the FAT data 3 at the top cluster 2, and is indicated like in the FAT data 100 etc. to the cluster 3 at the FAT data 4 and the cluster 4, This file data is completed to the cluster 6, and the numerals of FFFh are indicated to it as FAT data in which a cluster is shown, and data can distinguish what is recorded, para [0027]).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henok G Heyi/  
Examiner, Art Unit 2627

/William J. Klimowicz/  
Primary Examiner, Art Unit 2627